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ORDINANCE NO. 10-

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF AUBURN AND BALTIMORE RAVINE INVESTORS, LLC. FOR PLAN
AREA 1 OF THE BALTIMORE RAVINE SPECIFIC PLAN (FILE DA 07-1)

THE CITY COUNCIL OF THE CITY OF AUBURN FINDS AS FOLLOWS:

WHEREAS, the City Council held a properly noticed, public hearing at its special meeting of January 13, 2011, to consider the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. The proposal includes a Development Agreement by and between the City of Auburn and Baltimore Ravine Investors, LLC for Plan Area 1 of the Baltimore Ravine Specific Plan.

WHEREAS, the City of Auburn City Council has considered all of the evidence submitted into the administrative record including:

1. Agenda reports prepared by the Community Development Department for the January 13, 2011 City Council meeting and for the December 15, 2009; March 25, 2010; July 13, 2010; August 3, 2010; September 21, 2010 and November 16, 2010 Planning Commission meetings.
2. Staff presentation at the public hearing held on January 13, 2011.
3. Documents submitted by the applicant including but not limited to the BRSP, Large Lot Tentative Map, and photographs.
4. Public comments, written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.

- 1 5. All related documents received and/or submitted at or prior to the
- 2 public hearing.
- 3 6. The City of Auburn General Plan, Zoning Ordinance, and all other
- 4 applicable regulations and codes.
- 5 7. The Environmental Impact Report, and all related documents.

6 WHEREAS, the City Council of the City of Auburn adopts the following
7 findings for the Development Agreement by and between the City of Auburn
8 and Baltimore Ravine Investors, LLC:
9

- 10 1. The development agreement is consistent with the objectives,
- 11 policies, general land uses, and programs specified in the general
- 12 plan and any applicable specific plan;
- 13 2. The development agreement is compatible with the uses authorized
- 14 in, and the regulations prescribed for, the land use district in which
- 15 the real property is located;
- 16 3. The development agreement is in conformity with the public
- 17 convenience and general welfare and good land use practices;
- 18 4. The development agreement will not be detrimental to the health,
- 19 safety and general welfare;
- 20 5. The development agreement will not adversely affect the orderly
- 21 development of property or the preservation of property values;
- 22 and
- 23 6. The development agreement will provide sufficient benefit to the
- 24 city to justify entering into the agreement.
- 25 7. The applicant is a "qualified applicant" within the meaning of
- 26 Auburn Municipal Code Section 157.04.
- 27
- 28

1 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

2
3 Section 1: The City Council of the City of Auburn hereby approves the
4 Development Agreement by and between the City of Auburn and Baltimore
5 Ravine Investors, LLC, attached hereto as [Exhibit A](#).

6 Section 2: This Ordinance shall take effect thirty days following its
7 adoption as provided by Government Code Section 36937.

8
9 Section 3: Should any provision of this Ordinance, or its application to
10 any person, parcel or circumstance, be determined by a court of competent
11 jurisdiction to be unlawful, unenforceable or otherwise void, that
12 determination shall have no effect on any other provision of this Ordinance or
13 the application of this Ordinance to any other person, parcel or circumstance
14 and, to that end, the provisions hereof are severable.

15 Section 4: The City Clerk shall certify to the passage and adoption of
16 this Ordinance and shall give notice of its adoption as required by law. Within
17 10 days after the City enters into the development agreement, the City Clerk
18 shall also have the agreement recorded with the County Recorder.

19
20 DATED: January 13, 2011

21
22 _____
23 William W. Kirby, M.D., Mayor

24
25 ATTEST:

26
27 _____
28 Joseph G. R. Labrie, City Clerk

1 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
2 that the foregoing ordinance was duly passed at a special meeting of the City
3 Council of the City of Auburn held on the 13th day of January 2011 by the
4 following vote on roll call:

4 Ayes:

5 Noes:

6 Absent:

7 _____
Joseph G. R. Labrie, City Clerk

8
9
10 APPROVED AS TO FORM:

11
12
13 _____
Michael G. Colantuono, City Attorney